



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JAN 22 2003

Mr. J. Michel Bowen, P.E.
Division Administrator
Federal Highway Administration
Kansas Division
3300 South Topeka Boulevard
Topeka, Kansas 66611-2237

Dear Mr. Bowen:

RE: Final Environment Impact Statement for U.S. Highway 59 from Lawrence to Ottawa

The Environmental Protection Agency has reviewed the Final Environmental Impact Statement (FEIS) for U.S. 59, Douglas and Franklin Counties, Kansas. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and section 309 of the Clean Air Act (CAA). The Final EIS was assigned a CEQ number of 020501.

Our review of the May 2002 Draft Environmental Impact Statement for this project resulted in an "EC-2" or Environmental Concerns-Lack of Information rating. Since no preferred alternative was selected at that time, this rating applied to all four of the primary alternatives (No Action, Modern 2 Lane, Highway Alternatives 3B and 5). That rating was based on the degree of comparison for each alternative regarding Threatened and Endangered Species, Noise, and Cultural Resource Impacts. The EPA recommended considering these issues in more detail when deciding on a preferred alternative, and that specific mitigation be detailed in the FEIS.

The EPA appreciates the additional improvements made to these particular issues, and has no environmental concerns with implementation of the Highway Alternative 5. EPA does, however, note that details of necessary mitigation continue to be sparse. The EPA recommends that the Record of Decision (ROD) provide specific details of proposed mitigation for all adverse impacts associated with the preferred alternative.

Additionally, the EPA would like to offer the following general comments:

1) **Threatened & Endangered Species:** The EPA would also like to emphasize the importance of continued coordination with USFWS and the Kansas Department of Wildlife and Parks (KDWP) to ensure that needed field surveys are conducted for the burying beetle, bald eagle, and common map turtle. Furthermore, coordination is essential to meeting all requirements of the Action Permit that would establish proper mitigation for disturbance or loss of habitat.



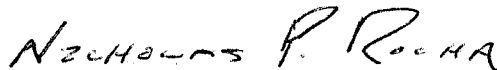
2) **Noise.** Table 2-2 is referenced in the FEIS to show the residences located within the 66 dBa contour line. Is there flexibility in the design phase to vary the alignment's centerline so as to further reduce the impacts to noise receptors? The EPA would like to recommend that all noise abatement measures (e.g. sound walls, berms) be aesthetically appropriate to the particular setting.

3) **Prime Farmland:** Alternative 5 would impact 882.8 acres of prime farmland. Although coordination has occurred with NRCS and the farmland impact conversion rating proves acceptable, the EPA recommends that the ROD provide some discussion of future land use plans between south of Lawrence and north of Ottawa. Are these plans contained in the Lawrence 2025 long range transportation plan?

4) **Water Body Modification:** The EPA would recommend that needed stream crossing mitigation be in the form of a bridge crossing, rather than culverts, in order to impart less of an impact on stream flow and thus, aquatic habitat.

If you have any questions about our comments, please contact me at 913-551-7805.

Sincerely,



Nicholas P. Rocha
NEPA Reviewer
Environmental Services Division